

REMARKS/ARGUMENTS

This is a Pre-Examination Amendment for Application Serial No. 10/603,269 which was finally rejected on August 24, 2006.

Please take this as a request for a one-month extension request to render a Request for Continued Examination (RCE) Application to make it timely filed. Please charge any costs to our Deposit Account No. 50-3108. If for any reason there are insufficient funds in the Deposit Account, please charge to Deposit Account No. 10-0100.

An Advisory Action, dated December 15, 2006, was submitted and the claims filed were objected to as requiring a new search because as the Examiner contends, new issues were raised. Therefore, this RCE is being filed, and a Pre-Examination Amendment was prepared to provide a clean copy of claims 28 to 38 now submitted.

Arguments for the patentability of the new claims are submitted and the new claims are compared to the previously submitted claims.

Dietrich U.S. Patent 5,768,734 has a pair of movable symmetrical halves 14 and 16 which join together, see lines 50 to 54 of column 1. New claim 28 calls for a **unitary** framework. A unitary framework is not movable; therefore, new claim 28 differs structurally and functionally from Dietrich. Therefore, Dietrich can no longer be used as a primary reference which is used as a basic reference for Cox U.S. Patent 6,419,839 and Tafara U.S. Patent 4,545,833 to modify.

Furthermore, the disposable filter bag is defined as provided with a substantially flat, stretchable band affixed to and extending along **and within** said rim of the opening. When considering Tafara, note that the best sealed member is folded over a **rigid** ring member. Claim 28 calls for a **stretchable band**; there is a clear difference and distinction between a stretchable band and a rigid member. Even if it were possible to use a rigid member arguendo, as the Examiner suggests by citing Tafara, it would not be possible to fit over the pair of spaced fixed framework members 8.

Now with respect to Cox et al. U.S. Patent 6,419,839, this patent discloses a dual layer material 12 and 14. This patent does not teach nor suggest a non-woven, synthetic material having filtering perforations. The material used is non-woven, but it is a filler composed of two different types of material bonded together.

More specifically, considering Dietrich and Cox again, Applicant is not claiming a new type of material, but a material which is provided with openings. Also, Applicant is not claiming any particular unique manufacture of the material.

Therefore, claim 28 is patentable over any combination of Dietrich or Cox et al. regardless of how combined.

Claim 29 was derived from claim 8, and the Examiner's citation of Tafara, while encompassing Applicant's claimed range, does not teach any specific advantage for the wide range or the narrow range as claimed. All that Col. 5, lines 3-7 disclose is a typical filter. Moreover, the Tafara disclosure is directed to non-analogous art, and the purpose of Tafara is to provide a filter bag capable of maintaining micron integrity.

Claim 30 is based on claim 9, and a non-analogous art filter bag by Emig et al. U.S. Patent 6,706,086 was cited. This bag is directed to a **dust** filter bag and is certainly not as able with a pool cleaning apparatus. Regarding the Examiner's comment as to what would be obvious as set forth in the rejection of claim 9 on which claim 30 is based, Cox is very broad and it would require experimentation to use the Cox et al. material. Furthermore, Cox et al. as noted heretofore discloses a dual layer material and although it makes an unselected statement and undirected or non-utility statement that a single layer can be used, there is no clear teaching that can be applied to Dietrich. Further, the specific characteristics are different and structural configuration as now claimed differs from any combination of the teachings of Dietrich and Cox et al., regardless of how combined.

New claim 31 is based on claim 10, and the Examiner has added Emig et al. U.S. Patent 6,706,086 which, as best understood, is not directed to a lightweight material. The feature of a lightweight material was added, and the basis for this limitation is line 14 of

page 3 of the specification. Emig et al. specifically states that his material has a backing material which usually and conventionally adds weight and therefore cannot be considered lightweight. Also, materials which are **rigged** are not usually lightweight. As clear from column 2, second paragraph, when the statement is made that the bag comprises two at least **one elements**, then the bag by definition must consist of at least two or more different materials and this is clearly stated as an object of the Emig et al. invention.

Claim 32 is based on claim 11, and the Examiner's comments made with respect to claim 11 do not apply because the structural features differ from the combination of references used in the rejection.

Claim 33 is based on claim 12 and the purpose of the substantially rectangular configuration is to distinguish clearly from the bags which require a substantially circular or oval opening which would not operate with the support of the two spaced fixed framework members as defined in claim 28. In addition to the substantially rectangular cross-section has now been tied to the framework members.

Claim 33 was derived from former claim 13, and this claim is patentable for the same reasons as claim 28 because the structural features claimed are quite different from each other. Furthermore, the structure claimed is different. The elastic band 82 of Dietrich is a bungee cord which has a pair of hooks for joinder or connection and is not uniformly continuous and free of ends, nor is bungee cord 82 adapted to be received within the recessed strip of the structure of the present invention, and there would be no reason to use a discontinuous bungee cord.

Claims 34 to 37 additionally are directed to specific structural features not shown nor disclosed, nor suggested in any of the references of record.

In addition to the above arguments, Applicant incorporates all of the previous arguments submitted which add to the reasons for the allowability of the present newly submitted claims.

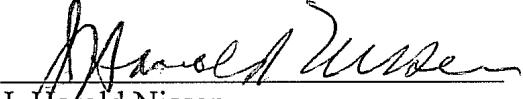
Specifically, Applicant's attorney would appreciate a courtesy telephone call from the Examiner before the Examiner issues a first Official Action in the RCE in order to do what is necessary to place this Application into condition for allowance or into better form for appeal or to take care of any matters which Applicant's attorney may have overlooked.

Early and favorable reconsideration, together with the allowance, is respectfully solicited.

Respectfully submitted,

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